

Minutes of Second Meeting of the Water Court Committee of the Colorado Supreme Court

February 11, 2008

Justice Gregory Hobbs called the meeting to order at 1:00 p.m.. The following committee members were present in person or by telephone: J. Kuenhold, L. Leoniak, M. Bender, J. Marroney, C. Shpall, D. Clements, D. Wolfe, S. Witte, J. Gimbel, R. Sakata, H. Simpson, S. Caloia, M. Hermundstad, A. Jones, M. Shimmin, and J. Witwer.

The chairs of the subcommittees presented reports to the Committee as follows:

Special Master/Magistrate/Referee Subcommittee

Casey Shpall (Chair) reported that this subcommittee met and discussed the objectives of the subcommittee to review the water court process and to determine and address the factors that may affect efficiency and fairness in the water court process from application to decree. The subcommittee examined the roles of the engineer, referee and judge in a water court case. To gather more information from the water bar, the subcommittee developed a questionnaire that will be distributed before the next Committee meeting. The next meeting of this subcommittee is Friday, April 11, 3 p.m. to 5 p.m., Colorado Department of Law, Natural Resources and Environment Section, 1525 Sherman St., 5th Floor, Denver.

Role of Experts Subcommittee

Hal Simpson (Co-Chair) reported that this subcommittee met and discussed various issues and suggestions surrounding the use of experts in water cases. The subcommittee is focusing particularly on the recommendations and conclusions regarding experts in water cases found in chapter 7 of the dissertation of Mariam Masid posted on the Colorado Judicial website:

<http://www.courts.state.co.us/supct/committees/waterctcomm.htm>

The next meeting of this subcommittee is Friday, Feb. 15, 4 p.m., office of Hill and Robbins, 1441 18th Street, Suite 100, Denver.

Outreach to Water Users Subcommittee

Jim Witwer (Chair) reported that the subcommittee had developed and published a brochure for distribution to the public informing the public of the work of the Committee and of the public hearing on March 10. The brochure is found at

<http://www.courts.state.co.us/supct/committees/waterctcomm.htm>

The next meeting of this subcommittee is Friday, Feb. 29, 3:00 to 5:00 pm, office of Trout, Raley, Montañó, Witwer & Freeman, P.C., Chancery Building, 1120 Lincoln #1600, Denver.

Bench, Bar, Engineers Education Subcommittee

Doug Clements (Chair) reported that this subcommittee met with the CBA Water Section and CLE of Colorado. This group committed to provide at least two programs per year to educate attorneys, judges, engineers, and water hydrologists about working within the water courts.

Case Management Subcommittee

Justice Michael Bender (Chair) reported that the subcommittee is in the process of gathering data regarding the range of cases and operations of the water courts in every division. The subcommittee presented some preliminary water court statistics that can be found at

<http://www.courts.state.co.us/supct/committees/Water%20Court%20Committee/data%20presented%20at%20the%202-11-2008%20meeting.pdf>.

The next meeting of this subcommittee is Thursday, Feb. 14, 2 pm. Colorado Judicial Building, Justice Michael L. Bender's chambers, 4th floor, 2 E. 14th Ave, Denver.

Web page and media contact

Jon Sarache reported on the publicity that the Committee has received in the media and the status of the web page.

The next meeting of the Committee for input from the public is March 10, 3:00-5:00 p.m. at Colorado Supreme Court Courtroom, Colorado Judicial Building, 5th Floor, 2 East 14th Ave., Denver. The public is invited and encouraged to attend.

The meeting adjourned at 3:15 p.m.

Submitted by Andrea Bloom, Counsel to the Chief Justice